

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 SS-15 USIE-00 CIAE-00 PM-04 INR-07 L-03

ACDA-05 NSAE-00 PA-01 PRS-01 SP-02 TRSE-00 SAJ-01

DODE-00 NSC-05 NSCE-00 SSO-00 SAM-01 H-02 IO-10

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APPROVED BY EUR:RDVINE

EUR/CE:DANDERSON

C:JKELLY

S/S: CABORG

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TO AMEMBASSY BONN IMMEDIATE

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C O N F I D E N T I A L STATE 302007

E.O. 11652:GDS

TAGS: PGOV, WS, GE, GW

SUBJECT:INNER GERMAN TRANSIT PACKAGE

REFS: (A) USBERLIN 2601; (B) USBERLIN 2615; (C) BONN
20713; (D) BONN 20712

1. DEPARTMENT APPRECIATES PRELIMINARY ANALYSIS OF RESULTS
OF RECENTLY CONCLUDED INNER-GERMAN NEGOTIATIONS (REF A).

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WE SHARE USBERLIN'S CONCERNS WITH RESPECT TO THE RAILROAD

PORTION OF PACKAGE, BOTH FROM THE STANDPOINT OF ITS POTENTIAL TO WEAKEN THE ALLIED LEGAL POSITION IN BERLIN AS WELL AS THE OPPORTUNITY IT WOULD GIVE THE GDR, IF NOT STRICTLY CONTROLLED, TO EXERCISE HIGHLY VISIBLE FUNCTIONS IN THE WESTERN SECTORS. WE CONCUR IN SUBSTANCE OF TEXTS OF BK/O AND BK/L (REF B) SUBJECT TO PARA 2 BELOW, AND BELIEVE THESE COMMUNICATIONS SHOULD BE ISSUED BEFORE JANUARY 7 TO CLARIFY ALLIED POSITION IN ADVANCE OF THE RAIL TALKS IN EAST BERLIN. WHILE WE HAVE NO OBJECTION IN PRINCIPLE TO ISSUANCE OF BK/O AND BK/L BEFORE CHRISTMAS WITH DECEMBER 19 DATE AS DESIRED BY FRENCH, WE BELIEVE AK SHOULD PROCEED NOW ONLY IF IT IS FULLY SATISFIED THAT IT HAS HAD ADEQUATE TIME TO STUDY THE RELEVANT DOCUMENTS.

2. WHILE DEPARTMENT CAN ACCEPT TEXTS AS WRITTEN, WE WOULD APPRECIATE AK CONSIDERATION OF THE FOLLOWING SUGGESTIONS:

(A) REVISION OF BK/O, PARA 1 TO READ "THE ALLIED KOMMANDATURA HAS TAKEN NOTE OF THE MODIFICATIONS ENVISAGED IN THE OPERATIONS OF THE DEUTSCHE REICHSBAHN IN THE WESTERN SECTORS OF BERLIN AND IN THE INSTALLATIONS USED FOR THOSE OPERATIONS." THIS WOULD AVOID IMPLICATION THAT DEUTSCHE REICHSBAHN DIREKTION (OR GDR) OWNS THE REAL ESTATE USED FOR OPERATIONAL PURPOSES IN THE WSB. THE TITLE OF BOTH BK/O AND BK/L, AS WELL AS THE FIRST SENTENCE OF BK/L MIGHT BE SIMILARLY REVISED.

(B) IN ADDITION TO REQUIRING PRIOR APPROVAL BY ALLIES FOR PLANS AND CONTRACTS, WE WOULD SUGGEST CONSIDERING SPECIFIC REFERENCE TO NORMAL PRIOR CONSTRUCTION APPROVALS BY GERMAN AUTHORITIES. BK/O PARA 4A MIGHT BE REVISED BY ADDING COMMA AFTER "APPROVAL," FOLLOWED BY "AND, AS REQUIRED, TO THE GERMAN AUTHORITIES OF THE WESTERN SECTORS."

(C) IN BK/O PARAGRAPH 4C, CHANGE "DEEMED NECESSARY" TO "THEY DEEM NECESSARY."

3. WE WOULD ALSO APPRECIATE IT IF USBERLIN WOULD
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TAKE A CLOSE LOOK AT PROPERTIES AND PROJECTS INVOLVED TO ENSURE THAT BK/O AND BK/L LIMIT REICHSBAHN ACTIONS TO WHAT IS APPROPRIATE IN TERMS OF UNDERLYING TITLE TO PROPERTIES AND EXISTING DIVISION BETWEEN OPERATING AND NON-OPERATING PROPERTIES. KISSINGER

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